



Neutral Citation Number: [2024] EWHC 1169 (Admin)

Case No: AC-2023-LON-003390

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
ADMINISTRATIVE COURT
SITTING IN LONDON

Thursday 16th May 2024

Before:
FORDHAM J

Between:
LUKASZ GRAD **Appellant**
- and -
REGIONAL COURT IN RYBNIK **Respondent**

George Hepburne Scot (instructed by Bark & Co) for the **Appellant**
The **Respondent** did not appear and was not represented

Hearing date: 16.5.24
Judgment as delivered in open court at the hearing

Approved Judgment

I direct that no official shorthand note shall be taken of this Judgment and that copies of this version as handed down may be treated as authentic.

FORDHAM J

Note: This judgment was produced and approved by the Judge, after using voice-recognition software during an ex tempore judgment.

FORDHAM J :

1. On 14 November 2023 District Judge Bristow ordered the Appellant (now aged 38) to be extradited to Poland after an oral hearing. The conviction Extradition Arrest Warrant of 7 December 2021 on which he was arrested and then bailed on 11 July 2023 relates to an October 2013 two-year custodial sentence, originally suspended for 5 years, which was imposed on him aged 27 and became final on 5 December 2013. It related to 19 offences of non-domestic burglaries and attempted non-domestic burglaries committed, aged 18, in 2004. The Appellant had come to the UK in 2005 knowing that he was charged with those offences. He was then pursued on an accusation Extradition Arrest Warrant. He did not resist extradition which took place in 2013 and which led to him being before the court in Poland in October 2013. The 5 year suspension period expired in 2018 but by then he had committed offences in the UK and had failed to pay the compensation ordered as a condition of the suspension. These were triggers for an activation of the two-year sentence on 15 April 2019, which in turn led to the conviction Extradition Arrest Warrant.
2. At his October 2013 hearing in Poland the sentencing judge had told the Appellant that he was under a duty to notify the authorities of any change of address. That was a duty with which he failed to comply, which was a key part of the Judge’s unimpeachable finding that the Appellant came back to the UK, after the October 2013 sentencing hearing, as a fugitive. In the UK, he has 9 convictions for 17 offences between 2011 and 2017. Among these are four counts of burglary – two of non-dwellings and two of dwellings – committed in the second half of 2016 (aged 30), for which he was sentenced in February 2017 to an overall term of 43 months custody. It is a fair working assumption as Mr Hepburne Scott accepts that he will have been released from that prison sentence in about 2019. The Appellant has no subsequent convictions. He has a child (aged 5) with his current partner; and two children (aged 12 and 15) who live with their mother (his former partner).
3. The index offending was back in 2004. But the passage of time is accounted for by the sequence to which I have referred, including the Appellant twice leaving Poland as a fugitive as the Judge found. It also reflects a determination by the Polish authorities, rather than a disinterest, in his pursuit. There is no question of any false sense of security nor, in the circumstances, of any culpable delay.
4. The Appellant was 18 and on the cusp of adulthood when he committed the 19 offences in 2004. The level of seriousness and his age are linked to the fact of the original suspension of the sentence. The factors weighing against extradition, which also include the detrimental impacts for each member of a close family unit, including the severe impacts for the child, and the turning of a corner (from about 2019) after previous offending – were found by the Judge to be decisively outweighed by the public interest considerations in favour of extradition.
5. Stepping back, I have been able to see no realistic prospect of that outcome being overturned at a substantive hearing. I will therefore refuse permission to appeal.